

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 11, 2009

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB857 by Laubenberg (Relating to the penalty for certain outdoor burning violations.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill proposes to reduce the current criminal penalties for violations of the outdoor burning rules to a Class C misdemeanor with a fine up to \$500 except where the violation is a repeat offense or involves the burning of a tire, insulation of electrical wire or cable, treated lumber, plastics, non-wood construction or demolition materials, heavy oils, asphaltic materials, potentially explosive materials, furniture, carpet, chemical wastes, or items containing natural or synthetic rubber. Repeat violations on the same property would be charged with a Class B misdemeanor with a \$2,000 fine and/or 180 days confinement, and burning prohibited items or materials would be a Class A misdemeanor with a \$4,000 fine and or one year confinement. Under current law, violators pay a \$1,000 to \$50,000 fine and or confinement not to exceed 180 days for an individual violating outdoor burning rules and a \$1,000 to \$100,000 fine for a person other than an individual violating the rules.

The bill's passage is not expected to have a significant fiscal impact to the state.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, SD, TL, SZ